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Washington, Thursday, October 17, 1940

The President

EXECUTIVE ORDER

AMENDING THE FOREIGN SERVICE REGULATIONS OF THE UNITED STATES

By virtue of and pursuant to the authority vested in me by section 1752 of the Revised Statutes of the United States (22 U.S.C. sec. 132), it is ordered that the Foreign Service Regulations of the United States be, and they are hereby, amended by prescribing the following as section XXII-4 of Chapter XXII thereof:

XXII-4. Duties of officers of the Foreign Service in connection with admission of aliens into the Philippine Islands. Officers of the Foreign Service, except consular agents, shall perform such duties in connection with the admission of aliens into the Philippine Islands as may be prescribed by the Secretary of State under authority of section 54 (b) of Commonwealth Act No. 613, entitled "An Act to Control and Regulate the Immigration of Aliens into the Philippines", proclaimed by the President of the Philippines September 3, 1940.

Revocation of Executive Order

Executive Order No. 7224-A, dated November 14, 1935, is hereby revoked.

FRANKLIN D. ROOSEVELT
THE WHITE HOUSE,
October 15, 1940.

[No. 8566]

[F. R. Doc. 40-4369; Filed, October 16, 1940; 9:31 a. m.]

Rules, Regulations, Orders

TITLE 42—PUBLIC HEALTH CHAPTER I—UNITED STATES PUBLIC HEALTH SERVICE

PART 22—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS¹

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22.2	Inspection of establishments and examination of products.

¹ Pursuant to § 22.83, decisions are issued from time to time by the Surgeon General of the Public Health Service regarding the dating of biologic products. No such decision is included in the regulations in this part.

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CROSS REFERENCES

Bureau of Customs regulations relating to viruses, serums, and toxins: See Customs Duties, 19 CFR 10.15-10.18.
Post Office Department regulations relating to importation and transportation of viruses, serums, and toxins by mail: See Postal Service, 39 CFR 6.14, 21.54.

LICENSES

§ 22.1 *Issue, suspension, and revocation.* Licenses shall be issued, suspended, and revoked by the Administrator of the Federal Security Agency, hereafter designated as "the Administrator", upon the recommendation of the Surgeon General of the United States Public Health Service.*† [Par. 1]

§ 22.2 *Inspection of establishments and examination of products.* Licenses shall be issued only after inspection of establishments and examination of the products for which license is desired. In the case of establishments already licensed, licenses for new products may, at the discretion of the Administrator, be granted without reinspection of the establishment. License for new products shall not be granted without satisfactory evidence of therapeutic or prophylactic efficiency.*† [Par. 2]

§ 22.3 *Reports of inspection and examination subject to review.* Whenever deemed necessary by the Surgeon General of the United States Public Health Service, the reports of inspection and laboratory examination shall be passed upon by the Sanitary Board of the United States Public Health Service. The Board shall report its findings to the Surgeon General, who shall forward the report, together with his recommendations, to the Administrator for action.*† [Par. 3]

§ 22.4 *When valid; prescribed form.* Licenses shall be valid until suspended or revoked. The following form of license is prescribed:

This is to certify that ----- of ----- hereby authorized, under the provisions of "An act to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in such articles, and for other purposes," to engage in the manufacture, barter, and sale of such of these viruses, serums, toxins and analogous products as are specified from time to time by the Administrator or Assistant Administrator of the Federal Security Agency, and of only such as have been so specified and for which license has not been suspended or revoked, in accordance with the above-mentioned act and regulations thereunder.

Administrator.

*† [Par. 4]

§ 22.5 *Requirements for reissue.* Licenses shall not be reissued without inspection of the establishments and laboratory examination of the products. The inspection and laboratory reports shall be passed upon by the Surgeon

*§§ 22.1 to 22.114, inclusive, issued under authority contained in sec. 4, 32 Stat. 729: 42 U.S.C. 145.

†The source of §§ 22.1 to 22.114, inclusive, is Regulations for the sale of viruses, serums, toxins and analogous products in the District of Columbia and in interstate traffic, approved by the Administrator of the Federal Security Agency.

General of the United States Public Health Service in accordance with the provisions of § 22.3.*† [Par. 5]

§ 22.6 *When establishment subject to license.* An establishment shall be subject to license when one or more of its products is held by the Administrator to be a virus, serums, toxin, or antitoxin, or a product analogous thereto and applicable to the prevention or cure of diseases of man.*† [Par. 6]

BIOLOGIC PRODUCTS

§ 22.11 *Defined.* For the purpose of these regulations, viruses, serums, toxins, antitoxins, and analogous products applicable to the prevention or cure of diseases of man are referred to as biologic products and defined as follows: (a) A virus is a product containing the minute living cause of an infectious disease. (b) A serum is the product obtained from the blood of an animal by removing the clot or clot components and the blood cells. (c) A toxin is a product containing a soluble substance poisonous to laboratory animals or to man in doses of 1 milliliter or less of the product, and having the property, following the injection of nonfatal doses into an animal, of causing to be produced therein another soluble substance which specifically neutralizes the poisonous substance and which is demonstrable in the serum of the animal thus immunized. (d) An antitoxin is a product containing the soluble substance in the serum or other body fluid of an immunized animal which specifically neutralizes the toxin against which the animal is immune. (e) A product is analogous (1) to a virus if prepared from a virus, including micro-organisms actually or potentially virulent; (2) to a serum, if prepared from some protein constituent of the blood and intended for parenteral administration; (3) to a toxin or antitoxin, if intended, by parenteral administration, for the prevention or treatment of disease through specific immunization.*† [Par. 7]

§ 22.12 *Application for license required; inspection certification.* In order to obtain a license for any biologic product, manufacturers shall make application therefor to the Surgeon General of the United States Public Health Service on forms prescribed for the purpose. Inspectors shall be furnished with the original forms and shall certify thereon as to the condition of the establishment, with recommendations.*† [Par. 9]

§ 22.13 *Notification of changes in personnel, etc., required.* Should important changes in personnel, method, equipment, or location be made by an establishment holding license, the manufacturer shall immediately notify the Surgeon General of the United States Public Health Service and make notation on the form required by Sec. 22.12 to be kept on file in the establishment.*† [Par. 10]

§ 22.14 *Report and investigation of infractions.* Instances of manufacture, importation, or sale of unlicensed products contrary to law, or of labeling unli-

censed products as licensed or as if subject to license, shall be reported by officers of the Public Health Service, by State and local health authorities, by physicians, and by others to the Surgeon General of the United States Public Health Service for investigation or reference to the Department of Justice.*† [Par. 8]

§ 22.15 *Imported biologic products; foreign establishments.* Biologic products imported from foreign countries will be refused entry by collectors of customs unless produced in an establishment holding an unsuspended and unrevoked license or intended for examination prior to obtaining a license. Each foreign establishment holding a license and importing biologic products into the United States shall be required to file the name and address of one or more representatives in the United States authorized by the establishment to distribute their products, and such representatives shall keep records of such distribution.*† [Par. 11]

§ 22.16 *Foreign importations to be accompanied by samples for examination.* Each foreign importation of biologic products shall be accompanied by two sample packages of each lot number contained in the shipment, and said samples shall be forwarded by the collector of customs at the port of entry to the National Institute of Health of the United States Public Health Service, for examination. If separate samples are not found accompanying the shipment, samples shall be obtained from the shipment by the collector of customs and forwarded to the National Institute of Health of the United States Public Health Service.*† [Par. 13]

§ 22.17 *Importation of smallpox vaccine prohibited; exception.* The importation of smallpox vaccine from any foreign country into the United States is prohibited, except smallpox vaccine sent to the National Institute of Health of the United States Public Health Service, where tests shall be applied to demonstrate the absence of any other pathogenic virus.*† [Par. 12]

INSPECTIONS

§ 22.21 *By whom made.* The inspections shall be made by an inspector or a board of inspectors detailed by the Administrator upon the recommendation of the Surgeon General of the United States Public Health Service.*† [Par. 14]

§ 22.22 *Inspectors.* The inspectors shall be officers of the United States Public Health Service.*† [Par. 15]

§ 22.23 *To be unannounced.* Inspections shall be unannounced, unless special circumstances render this undesirable.*† [Par. 16]

§ 22.24 *Inspector to call on head of establishment.* It shall be the duty of the inspector to call upon the acting head of the establishment, stating the object of his visit.*† [Par. 17]

§ 22.25 *Premises.* The inspectors shall examine all portions of the prem-

ises, appliances, stables, barns, warehouses, records, and the methods employed in actual operation.*† [Par. 18]

§ 22.26 *Interrogation under oath authorized.* Inspectors are authorized to interrogate the proprietors and personnel of the establishment under oath.*† [Par. 19]

§ 22.27 *Methods of manufacture and sale.* The inspectors shall investigate fully the methods of preparation, storing, dispensing, and other details in the manufacture and sale of serums, viruses, toxins, and analogous products.*† [Par. 20]

§ 22.28 *Location, construction, and administration.* The inspectors shall carefully examine into location, construction, or administration of establishments which would tend to endanger the potency or purity of the products.*† [Par. 21]

§ 22.29 *To be made when establishment in running order.* Inspections for original licenses of an establishment need not be made until assurances are received that the establishment is in running order and manufacturing the complete product for which license is desired.*† [Par. 22]

§ 22.30 *Reinspection after correction of faulty conditions.* In case license is refused following an inspection, reinspection shall not be ordered until assurances have been received that the establishment affected has corrected all the faulty conditions which were made the basis for the previous refusal of a license.*† [Par. 23]

§ 22.31 *Manufacturer to be apprised of faulty conditions.* In case faulty methods of preparation, faulty location, faulty construction, or faulty administration of establishments are observed during inspection, the inspector shall bring the same to the attention of the manufacturer, and shall forward a report of the conditions found, together with his recommendations, to the Surgeon General of the United States Public Health Service.*† [Par. 24]

§ 22.32 *Cancellation or suspension of license.* Should the faulty conditions discovered during inspection or upon laboratory tests be found upon review by the Surgeon General of the United States Public Health Service to be of sufficient importance, the Surgeon General shall recommend to the Administrator that the license of the establishment be cancelled or suspended. In case of suspension, if the said faulty conditions are not corrected within 60 days he shall recommend that the said license be revoked.*† [Par. 25]

§ 22.33 *Publication of cancellation or suspension of license.* The fact of suspension or revocation of license, with causes therefor, may be published by the Administrator.*† [Par. 26]

MANUFACTURING REQUIREMENTS

§ 22.41 *Manufacturing establishments: Permanent control by responsible head.* The organization of a licensed establish-

ment shall be such that the responsible head is actually in permanent control of the buildings, grounds, equipment, and personnel; and good discipline shall prevail.*† [Par. 27]

§ 22.42 *Competence of technical workers.* In considering the license of an establishment, regard shall be had to the training and competence of the technical workers concerned.*† [Par. 28]

§ 22.43 *Permanent record to be kept.* Permanent records shall be kept, with dates, of the various steps in the manufacture, testing, disposition, and distribution of each lot, so that at any time these steps may be traced by an inspector as regards any lot number.*† [Par. 29]

§ 22.44 *Labeling of cultures.* Laboratory cultures and other materials used in the production of biologic products shall be labeled and preserved in a safe and orderly manner.*† [Par. 30]

§ 22.45 *Separation of work with spore-bearing pathogenic microorganisms.* All work with spore-bearing pathogenic microorganisms shall be so separated from other work, and the containers permanently so marked, as to avoid the possibility of contamination of products.*† [Par. 31]

§ 22.46 *Separation of diagnostic procedures.* Laboratory procedures of a diagnostic nature shall, if conducted in an establishment, be entirely separate from those for the production of biologic products.*† [Par. 32]

§ 22.47 *Laboratories to be screened.* Laboratories for the production of biologic products shall be efficiently screened during the fly season.*† [Par. 33]

§ 22.48 *Sterilization of containers.* Sterilization and subsequent handling of containers, filling apparatus, and other materials which may come in contact with biologic products during manufacture shall be such as to insure the absence of living bacterial spores; except that the concentration of antitoxins may be conducted with scrupulous cleanliness rather than with absolute sterility.*† [Par. 34]

§ 22.49 *Records of sterilization of containers.* Records of the date, duration, and temperature of each sterilization shall be kept. Such records shall be made by means of automatic registering devices or by the personnel of the sterilizing room.*† [Par. 35]

§ 22.50 *Communication of sanitary standards, etc., by inspectors.* Details of sanitary standards, methods of manufacturing and of testing, and methods of keeping records, may be communicated to manufacturers by inspectors.*† [Par. 36]

§ 22.51 *Containers.* All containers used in the preparation of biologic products shall be of such construction as will readily permit inspection for cleanliness.*† [Par. 37]

§ 22.52 *Bleeding rooms.* The construction of bleeding rooms and rooms for vaccine animals shall be such as to permit thorough hosing down and cleaning.*† [Par. 38]

§ 22.53 *Hot water to be provided in bleeding rooms.* Hot water shall be provided in bleeding rooms and vaccine stables.*† [Par. 39]

§ 22.54 *Stables.* Stable floors shall be so constructed and cared for as to insure cleanliness, and stables shall be well lighted and well ventilated.*† [Par. 40]

§ 22.55 *Storage of manure.* No manure shall be so stored as to permit the breeding of flies on the premises of any establishment.*† [Par. 41]

§ 22.56 *Hog-cholera serum; separation of personnel, animals, and equipment.* All personnel, animals, and equipment used in the production of hog-cholera serum shall be kept entirely separate from personnel, animals, and materials used in the production of biologic products for human use.*† [Par. 42]

§ 22.57 *Inspection and quarantine of animals.* Animals used in the production of biologic products shall be kept under competent daily inspection and preliminary quarantine by the establishment for a period of at least 7 days before use. Only healthy animals free from communicable disease shall be used; during the quarantine period those of the equine genus must be shown to be free from glanders, and those of the bovine genus must be shown to be free from tuberculosis.*† [Par. 43]

§ 22.58 *Horses to be given tetanus antitoxin.* All horses used in the production of biologic products, except those horses which are actively immune to tetanus, shall be given not less than 500 units of tetanus antitoxin semimonthly, or 2,000 units monthly.*† [Par. 44]

§ 22.59 *Records of animal necropsies.* Necropsy records shall be kept of all animals which die or are killed after having been used in the production of biologic products.*† [Par. 45]

§ 22.60 *Procedure in event of certain diseases in animals.* In case of actual or suspected infection with foot-and-mouth disease, glanders, tetanus, anthrax, gas gangrene, equine infectious anemia, or equine encephalomyelitis among animals used for the production of biologic products, the manufacturer shall immediately notify the Surgeon General of the United States Public Health Service.*† [Par. 46]

§ 22.61 *Cleansing and vaccination of animals used for propagation of smallpox vaccine.* Animals used for propagation of smallpox vaccine shall be thoroughly cleansed with soap and water at the beginning of the quarantine and at its conclusion. No part of the animal shall be vaccinated which is liable to be contaminated by feces.*† [Par. 47]

§ 22.62 *Taking of vaccine material.* Preliminary to taking vaccine material from vaccinated animals, said animals shall be killed or rendered insensible to pain.*† [Par. 48]

§ 22.63 *Observation of certain animals; making of necropsy, records.* Each year at least two of the animals used in

propagating smallpox vaccine of any one strain shall be kept for a period of 2 weeks subsequent to the removal of the virus and observed sufficiently to demonstrate the absence of foot-and-mouth disease. At the termination of the period of observation in the case of these two animals, and within 48 hours after taking the smallpox vaccine in the case of all other animals, a necropsy shall be made upon each animal, and permanent records kept of each necropsy, in which particular note shall be made of pathologic changes.*† [Par. 49]

§ 22.64 *Destruction of certain material.* All vaccine material from any animal having, or suspected of having, a communicable disease, other than vaccinia, shall be destroyed.*† [Par. 50]

§ 22.65 *Removal of certain animals prohibited.* No animals used for the purpose of propagating smallpox vaccine shall be removed from the establishment prior to necropsy.*† [Par. 51]

§ 22.66 *Personnel who care for vaccine animals.* The personnel who care for the vaccine animals shall be excluded from horse stables and paddocks and from contact with horses while vaccine is being propagated.*† [Par. 52]

§ 22.67 *Vaccine stables or operating rooms.* Extraneous materials shall not be stored or permitted in or about vaccine stables or operating rooms.*† [Par. 53]

§ 22.68 *Furnishing of smallpox vaccine.* Smallpox vaccine shall be furnished only in glass capillary tubes or in other glass containers. This shall not prohibit the inclosure in the same package, but separate from the virus, of a metal or glass instrument for inserting the virus.*† [Par. 54]

§ 22.69 *Capillary tubes for smallpox vaccine; filling and sterilizing.* Capillary tubes for smallpox vaccine shall be filled mechanically in vacuum jars, and prior to filling shall be sterilized in the same containers which are used for filling.*† [Par. 55]

LABELING

§ 22.81 *Proper name of product.* For purposes of labeling, the proper name of each product shall be that specified in the license.*† [Par. 56]

§ 22.82 *Proper name of product must appear upon outside label.* The proper name of each product must appear upon the outside label in legible type and shall be given precedence in position and prominence over any other descriptive or trade name.*† [Par. 57]

§ 22.83 *Deviation from standard method of preparation or from usual species of animal used to be indicated.* In the case of products prepared by methods other than the usual or standard methods, the proper name used to designate the product in the license and on the labels shall be sufficiently descriptive to indicate such deviation. Should the species of animal used differ from that usually or originally employed, the name of

the species shall be included as part of the proper name on the label.*† [Par. 58]

§ 22.84 *Official standard of potency; exceptions.* In case of products for which an official standard of potency has been adopted, the potency shall be expressed on the label in terms of the official standard. In case no official standard of potency has been adopted and no official test is made prior to the release of the product for sale, the label shall bear the following statement: "No U.S. standard of potency." This provision shall not be held to apply to smallpox vaccine, nor to rabies vaccine.*† [Par. 59]

§ 22.85 *Expiration date.* The requirement that each package shall be marked with the date beyond which the contents can not be expected beyond reasonable doubt to yield their specific results shall be held to be complied with if the label bears the date of manufacture or date of issue as defined in §§ 22.86 and 22.87, and a statement of the period in months or days from this date of manufacture or date of issue during which they may be expected to yield their specific results.*† [Par. 60]

§ 22.86 *Date of manufacture defined.* Unless otherwise specifically provided as indicated in § 22.88, the date of manufacture shall be: (a) For products for which an official standard of potency exists, the last date of satisfactorily passing a potency test; (b) for products for which no official standard of potency exists, the date of removal from the animal in case of animal products, or the date of cessation of growth in the case of other products; or (c) in the case of products used for specific desensitization, the date of extraction.*† [Par. 61]

§ 22.87 *When date of issue accepted in lieu of date of manufacture.* Unless otherwise specifically provided as indicated in § 22.88, the date of issue from cold storage may be accepted in lieu of the date of manufacture, provided the date of issue is not more than 3 months after date of manufacture, if the product is kept constantly at a temperature not exceeding 15° C., or not more than 6 months after the date of manufacture if the product is kept constantly at a temperature not exceeding 10° C., or not more than 1 year after the date of manufacture if the product is kept constantly at a temperature not exceeding 5° C., or not more than 2 years after date of manufacture if the product is kept constantly at a temperature not exceeding 0° C.*† [Par. 62]

§ 22.88 *Decisions by surgeon general regarding dating.* Decisions shall be issued from time to time by the Surgeon General of the United States Public Health Service, regarding the dating of special products in accordance with tests made thereon.*† [Par. 63]

§ 22.89 *Number of lot.* All labels affixed to containers shall bear the number

of the lot of the product contained therein.*† [Par. 64]

§ 22.90 *Items required on outside label.* The following items shall appear on the outside label:

- (a) Name of manufacturer.
- (b) Address of manufacturer.
- (c) License number.
- (d) Proper name of product.
- (e) Minimum potency of product.
- (f) "No U. S. standard of potency" if no such standard is established.
- (g) Lot number.
- (h) Date of manufacture or issue with period of potency; or the expiration date.*† [Par. 65]

§ 22.91 *Product of one establishment sold by another.* In case a product manufactured by one establishment is sold by another, the name, address, license number, and lot number of the original manufacturer shall appear plainly on the label, provided the name of the second establishment may appear on the label as the selling agent. In case any part of the process, such as bottling, is performed by the second establishment, this establishment also must hold a license for the manufacture of the product; the names, addresses, and license numbers of both establishments must appear on the label, and the records of both establishments shall show plainly the degree of responsibility of each in the process of manufacture. Labels bearing a license number shall appear only on packages of products for the manufacture of which a license is in force.*† [Par. 66]

EXAMINATION OF PRODUCTS

§ 22.101 *Samples to be furnished.* Establishments shall furnish to the inspector and, on request, shall send to the National Institute of Health of the United States Public Health Service, adequate samples of products for examination.*† [Par. 67]

§ 22.102 *Samples of special lots or of all lots of particular products to be furnished.* Samples of special lots of products, or of all lots of particular products, may be required to be sent to the National Institute of Health of the United States Public Health Service for examination prior to being placed in interstate commerce or on sale in the District of Columbia.*† [Par. 68]

§ 22.103 *Testing of samples.* It shall be the duty of the Director of the National Institute of Health of the United States Public Health Service to test samples sent him by inspectors, and the result of this examination shall be given to the inspectors, who shall give this report due weight in making their recommendations.*† [Par. 69]

§ 22.104 *Products to be obtained and examined for purity, potency.* Biologic products offered for sale in the District of Columbia, or in interstate traffic, shall be obtained from time to time and examined at the National Institute of Health of the United States Public Health

Service as to purity and potency and as to whether said products were properly labeled.*† [Par. 70]

§ 22.105 *Containers and administration materials.* In examining biologic products consideration shall be given to the character and safety of containers and to those materials accompanying them which are intended to facilitate administration of their contents.*† [Par. 71]

§ 22.106 *Official methods of testing, standards, standard units, and standards of potency.* Official methods of testing, standards, and standard units shall be employed upon authorization of the Surgeon General of the United States Public Health Service. The official standards of potency for all forms of diphtheria antitoxin, tetanus antitoxin, botulinus antitoxin type A, botulinus antitoxin type B, perfringens antitoxin, scarlet fever streptococcus antitoxin, Vibrio septique antitoxin, antipneumococcal serum (types I, II, V, VII and VIII), antidyenteric serum (Shiga), staphylococcus antitoxin, histolyticus antitoxin, oedematis antitoxin, and sordelli antitoxin shall be those distributed by the United States Public Health Service.*† [Par. 72]

§ 22.107 *Potency of diphtheria, tetanus, and scarlet fever streptococcus antitoxins.* Diphtheria antitoxin shall have a potency of not less than 500 units per cubic centimeter if in liquid form, and not less than 4,000 units per gram if in solid form. Tetanus antitoxin shall have a potency of not less than 400 units per cubic centimeter if in liquid form, and not less than 2,400 units per gram if in solid form. Scarlet fever streptococcus antitoxin shall have a potency of not less than 400 units per cubic centimeter.*† [Par. 73]

§ 22.108 *Distribution of standard samples for comparison; manufacturers to forward samples for testing.* Standard samples for comparison of products other than those mentioned in § 22.106 may be distributed by the National Institute of Health, and the Director of the National Institute of Health is authorized to request manufacturers to forward such samples of their products for testing as may be required to insure safety and potency of products.*† [Par. 74]

§ 22.109 *When tests for potency to be made.* Tests for potency, if applicable, shall be made after the completion of all the processes of manufacture except filling the final containers.*† [Par. 75]

§ 22.110 *Sample of each lot to be tested for identity, safety.* A sample of each lot of all products shall be tested for identity if such test is applicable, and for safety, after the labels have been affixed to the final containers.*† [Par. 76]

§ 22.111 *Liquid serums.* No liquid serum shall contain more than 20 per cent total solids, nor more than 0.5 per cent of preservative.*† [Par. 77]

§ 22.112 *Intraspinal and intravenous products.* Products intended to be used

intraspinally or intravenously shall be clear, free from excessive coloration, or excessive viscosity, and those to be used intraspinally shall contain not more than 0.35 percent of preservative.*† [Par. 78]

§ 22.113 *Containers for intraspinal and intravenous products.* Containers of products intended to be used intraspinally or intravenously shall be of such material that the presence of objectionable color or of sediment in the contents may be detected.*† [Par. 79]

§ 22.114 *Discovery of lack of purity; manufacturer to be notified.* Any lot of any product shall be subject to withdrawal and recall from the market regardless of dating, upon the discovery of lack of purity, potency or safety, or if the product is found to be subject to undue deterioration. Upon the discovery of such information the name shall be communicated to the manufacturer of the product in question and the identification of said product may be made public by the Administrator.*† [Par. 80]

These regulations have been prepared by the undersigned board of officers pursuant to the authority contained in section 4 of the Act of July 1, 1902, 32 Stat. 729 (U.S.C. title 42, sec. 145), entitled "An act to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes". They are hereby promulgated and will supersede the regulations issued February 25, 1935.

JAS. C. MAGEE,
Surgeon General, U. S. Army.
ROSS T. MCINTIRE,
Surgeon General, U. S. Navy.
THOMAS PARRAN,
Surgeon General,
U. S. Public Health Service.

Approved October 12, 1940.

WAYNE COY,
Acting Administrator, Federal
Security Agency.

[F. R. Doc. 40-4373; Filed, October 16, 1940;
11:27 a. m.]

Notices

WAR DEPARTMENT.

EXAMINATION FOR APPOINTMENT OF OFFICERS IN THE MEDICAL CORPS, REGULAR ARMY

1. An examination of applicants for appointment as first lieutenants, Medical Corps, Regular Army, under the provisions of AR 605-20 (10 CFR 73.1-73.7) will be held within the continental limits of the United States, March 10 to March 13, 1941, inclusive.

2. Applications and requests for information concerning this examination should be addressed to The Adjutant General.

3. Applications received after February 20, 1941, will not be considered. (35 Stat.

67, 41 Stat. 774; 10 U.S.C. 92, 93) [Sec. II, Cir. 112, W.D., Oct. 10, 1940]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-4371; Filed, October 16, 1940; 11:21 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. A-56, A-59]

PETITIONS OF DISTRICT BOARD NO. 15 REQUESTING MODIFICATION OF THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15 FOR ALL SHIPMENTS EXCEPT TRUCK, PRICE SCHEDULE NO. 1, BY AMENDING: (1) PRICE INSTRUCTION 11 (d) AND; (2) THE SPECIAL PRICE INSTRUCTION APPEARING IN THE SCHEDULE OF DELIVERED DIFFERENTIALS, PAGE 12 OF SAID SCHEDULE AND; (3) THE EFFECTIVE MINIMUM PRICES FOR CODE MEMBERS IN DISTRICT NO. 15 ON SHIPMENTS OF OFF-LINE RAILROAD LOCOMOTIVE FUEL TO THE CHICAGO AND GREAT WESTERN RAILROAD AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD

MEMORANDUM OPINION AND ORDER CONCERNING TEMPORARY RELIEF

The original petitions in the above-entitled matter pray that a temporary Order be issued pending final disposition of the matter.

The Director, by Order dated October 5, 1940, has scheduled a final hearing¹ in this matter to be held on October 30, 1940, at 10 a. m. at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C.

An informal conference, upon notice to interested parties, was held on October 5, 1940, pursuant to the Rules and Regulations governing practice and procedure in 4 II (d) proceedings, for the purpose of affording interested parties the opportunity of expressing their views concerning the temporary relief prayed for.

Represented at the conference were the original petitioner; District Board No. 10; United Electric Coal Company, Truax-Traer Coal Company, and Southwestern Illinois Coal Corp., code members in District 10; the Chicago, Rock Island and Pacific Railroad; and Consumers' Counsel Division.

The Director having considered the original petition and the views expressed at said informal conference and a reasonable showing of the necessity therefor having been made; and there having been no opposition to the granting of temporary relief as hereinafter provided:

Now, therefore, it is ordered, That, pending final disposition of the matter, the Schedule of Effective Minimum Prices for District No. 15,² for all shipments except truck, be and the same hereby is amended, to become effective forthwith, as follows:

(1) Price Instruction 11 (d), page 3, of said Schedule is hereby modified to read as follows:

"The maintenance of the delivered differentials as provided above shall be subject to the limitation that the maximum reduction of the schedule price shall not exceed 60 cents."

(2) The special price instruction in the schedule of delivered differentials, page 12, of said schedule is hereby modified to read as follows:

"Schedule showing delivered differentials that may be maintained with base group coal by reducing the schedule of prices published herein: *Provided*, That the maximum reduction of the schedule prices shall not exceed 60 cents."

(3) The railroad locomotive fuel schedule—part 3, page 43, of said schedule is hereby modified by adding the following exception to the prices established for Production Group No. 2:

"*Exception*: Mines with Index Nos. 116 and 127 may absorb the actual division of freight rate, not to exceed 60 cents per ton, on shipments to the Chicago, Rock Island and Pacific Railroad."

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated, October 14, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4365; Filed, October 15, 1940; 1:05 p. m.]

[Dockets Nos. A-63 to A-68]

PETITIONS OF CARRIER AND SON, P. AND G. COAL COMPANY, A. D. GRASSO, ELBA COAL COMPANY, CLARION COAL MINING COMPANY, AND WOLF-O-LACK COAL COMPANY FOR THE ESTABLISHMENT AND REVISION OF EFFECTIVE CLASSIFICATIONS AND MINIMUM PRICES FOR THE HARLAN, P. AND G., ELBA, DOCSMITH, AND LONE TREE MINES (MINE INDEX NOS. 197, 604, 599, 136, AND 603, DISTRICT NO. 1) AND THE HERCULES MINE; AND FOR THE ESTABLISHMENT OF SPECIAL CLASSIFICATIONS AND EFFECTIVE MINIMUM PRICES FOR SO-CALLED "CROP" COAL PRODUCED BY THE PETITIONERS

NOTICE OF AND ORDER FOR HEARING

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties;

It is ordered, That these petitions be consolidated for purposes of hearing, and that hearing in the above-entitled matter, under the applicable provisions of said Act and the rules of the Division, be held on October 28, 1940, at 10 o'clock

in the forenoon of that day in a hearing room of the Bituminous Coal Division to be designated by the Chief of the Records Section, Room 502, 734 15th Street NW., Washington, D. C.;

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petitions are supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 26, 1940.

The matter concerned herewith is in regard to the requests of Carrier and Son, P. and G. Coal Company, Elba Coal Company, Clarion Coal Mining Company, and Wolf-O-Lack Coal Company for changes in the price classifications for their Harlan, P. and G., Elba, Docsmith, and Lone Tree mines from "F" to "J"; the request of A. D. Grasso for the establishment of "J" classifications for his Hercules mine; and the request of all the aforementioned petitioners for the establishment of special price classifications and effective minimum prices for so-called "crop" coals produced by them.

All persons are hereby notified that the hearing in the above-entitled matter and any orders therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petitions, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petitions.

Dated, October 14, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4363; Filed, October 15, 1940; 1:05 p. m.]

¹ 5 F.R. 3953.

² 5 F.R. 3360.

[Docket No. A-90]

PETITION OF THE NEW RIVER COMPANY FOR REVISION OF SIZE GROUPS ESTABLISHED IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7 FOR ALL SHIPMENTS EXCEPT TRUCK AND FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR ITS MINES, MINE INDEX NOS. 45, 77, 105, 113, 132, 135, 154, 167, 170, 179, 180, AND 202, DISTRICT NO. 7, IN SIZE GROUPS 3, 4, 6, 7, 8, AND 9

NOTICE OF AND ORDER FOR HEARING

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Division by the New River Company;

It is ordered. That a hearing in the above-entitled matter, under the applicable provisions of said Act and the rules of the Division, be held on October 31, 1940, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division to be designated on that day by the Chief of the Records Section, Room 502, 734 15th Street NW., Washington, D. C.;

It is further ordered. That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 29, 1940.

The matter concerned herewith is in regard to the request of the New River Company for revision of the definitions

of size groups established in the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck, particularly the low volatile stove size group for railway fuel use and the low volatile size group 6 for general commercial use; and the revision of the effective minimum prices for its mines, Mine Index Nos. 45, 77, 105, 113, 132, 135, 154, 167, 170, 179, 180, and 202, District No. 7, in Size Groups 3, 4, 6, 7, 8, and 9.

All persons are hereby notified that the hearing in the above-entitled matter and any orders therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petition.

Dated, October 14, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4364; Filed, October 15, 1940;
1:05 p. m.]

[Docket No. A-81]

PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

NOTICE OF AND ORDER FOR HEARING AND GRANTING TEMPORARY RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered. That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 28, 1940, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered. That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to

continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to Section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 25, 1940.

The matter concerned herewith is in regard to the establishment of effective minimum prices for the coals of certain mines, hereinafter referred to, located in District 8 for which coals price classifications and minimum prices have not heretofore been established.

All persons are hereby notified that the hearing in the above-entitled matter and any orders therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petition.

It is further ordered. That, a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith the coals referred to in the schedule hereto annexed, marked "Temporary Schedule A," and made part hereof, shall be subject to minimum prices as provided in said Temporary Schedule A.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division and proceedings instituted pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated, October 12, 1940.

[SEAL]

H. A. GRAY,
Director.

TEMPORARY SCHEDULE A¹

Temporary Effective Minimum Prices for District No. 8 for All Shipments Except Truck

ALPHABETICAL LIST OF CODE MEMBERS HAVING RAILWAY LOADING FACILITIES, SHOWING PRICE CLASSIFICATIONS BY SIZE GROUPS FOR ALL USES EXCEPT AS SEPARATELY SHOWN

Mine index No.	Code member	Mine name	Sub- dis- trict No.	High volatile seam	Freight origin group No.	Price classifications by size group Nos.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
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1826	Alder & Clements	Alder	6	River Gem	111	K	K	H	G	E	C	E	D	D	M	P	H																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				

¹ Use logan sub-district cannel prices.² See cannel coal prices.³ The material in this Temporary Schedule A is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

ALPHABETICAL LIST OF CODE MEMBERS HAVING RAILWAY LOADING FACILITIES, SHOWING PRICE CLASSIFICATIONS BY SIZE GROUPS FOR ALL USES EXCEPT AS SEPARATELY SHOWN.

Mine index No.	Code member	Mine name	Sub-District No.	Low volatile seam	Freight origin	Price classifications by size group No.									
						No.									
						1	2	3	4	5	6	7	8	9	10

Temporary Effective Minimum Prices for District No. 8 for All Truck Shipments (Prices in Cents Per Net Ton for Shipment Into All Market Areas)

Code member index	Mine	Mine index No.	Seam	Price classifications by size group No.									
				1	2	3	4	5	6	7	8	9	10
588	Marianna Smokeless Coal Company	No. 1	Sewell	230	B	B	A	A	A	B	B	B	B
SUB-DISTRICT NO. 1—BIG SANDY-ELKHORN													
BOYD COUNTY, KY.													
Bowling, R. L.	Bowling (Robertson)	2801	No. 7	265	245	210	220	205	200	150	145		
CARTER COUNTY, KY.													
Fields Branch Coal Co. (Charles Sexton)	Field Branch Coal Co.	2834	No. 3	265	245	210	220	205	200	150	145		
Hutchinson & Eastham (W. T. Hutchinson)	Hutchinson & Eastham	2838	No. 7	265	245	210	220	205	200	150	145		
Wilson, Ralph	Wilson	2846	No. 7	265	245	210	220	205	200	150	145		
GREENUP COUNTY, KY.													
Boggs, Orville	Hamilton	2874	Clod	265	245	210	220	205	200	150	145		
Brown, Curtis	Curtis Brown	2804	Clod	265	245	210	220	205	200	150	145		
Brown, Shorty (Clyde)	Shorty (Clyde)	2805	No. 7	265	245	210	220	205	200	150	145		
Sargent, Alonzo	Clegg	2886		265	245	210	220	205	200	150	145		
Shelton, James	Davidson	2887		265	245	210	220	205	200	150	145		
Westfall, Martin	Westfall	2873	No. 7	265	245	210	220	205	200	150	145		
JOHNSON COUNTY, KY.													
Levering, George	Whitten	2789	Millers Creek	305	285	235	240	215	225	170	165		
Short & Powers (Estill Powers)	I. D. Preston	2879	#7	265	245	210	220	205	200	150	145		
Spriggs & Wells (John C. Spriggs)	Fields	2881	#7	265	245	210	220	205	200	150	145		
LAWRENCE COUNTY, KY.													
Holbrook, H. C.	Holbrook	2865		265	245	210	220	205	200	150	145		
Rhodemyre, J. E. (Carol Coal Co.)	Carol	2852	McHenry	265	245	210	220	205	200	150	145		
Riffe & Son, Edgar (Edgar Riffe)	Riffe	2869	#7-McHenry	265	245	210	220	205	200	150	145		
Webb, John	Webb	2872	#6	265	245	210	220	205	200	150	145		
MAGOFFIN COUNTY, KY.													
Watkins, Pearl	Watkins	2904	No. 7	265	245	210	220	205	200	150	145		

No. 203—2

Temporary Effective Minimum Prices for District No. 8 for All Truck Shipments—Continued

(Prices in Cents Per Net Ton for Shipment Into All Market Areas)

Code member index	Mine	Mine index No.	Seam	1	2	3	4	5	6	7	8
SUB-DISTRICT No. 1—Big SANDY-ELKHORN—Contd.											
MORGAN COUNTY, KY.											
Brown, Ira	Wells	2845	No. 7	265	245	210	220	205	200	150	145
Ewen, A. B.	Lick Branch Cannel Coal Mine	2883		265	245	210	220	205	200	150	145
Hutton, Sam	Cannel	2833		265	245	210	220	205	200	150	145
PIKE COUNTY, KY.											
Gibson, Bruce	John Kendrick	1248	Elkhorn #3	275	255	235	240	215	225	170	165
Hobbs, Zaley	Cline	2853	Upper Elkhorn	275	255	235	240	215	225	170	165
SUB-DISTRICT No. 3—HAZARD											
BREATHITT COUNTY, KY.											
Gillum, Thomas	Thomas Gillum (Green Gentry) Arcturus Noble (Lloyd Lynch)	2880	Jackson	265	245	210	205	190	200	145	140
Noble, Arcturus		2876		275	255	220	225	205	210	155	150
LEE COUNTY, KY.											
McIntosh, G. W.	G. W. McIntosh	2781	Sturgeon	275	255	220	225	205	210	155	150
FERRY COUNTY, KY.											
Bracehear, Robert H.	Robert H. Bracehear	2814	Hazard #4	275	255	220	225	205	210	100	155
Dennis, Orah	Orah	2746	Hazard #4	275	255	220	225	205	210	100	155
Hall, H. M.	H. M. Hall	2791	Hazard #4	275	255	220	225	205	210	100	155
SUB-DISTRICT No. 4 KANAWHA											
CLAY COUNTY, W. VA.											
Elewrick, James	Elewrick Mine	2855	Lewiston	245	225	210	195	180	200	145	140
KANAWHA COUNTY, W. VA.											
Banister, Vernon (Shrewsbury Coal Co.)	Watson	575	Cedar Grove	265	245	225	215	200	215	175	170
MASON COUNTY, W. VA.											
Kapp, Ross	Kapp	570	Pittsburgh #8	270	260	235	235	180	195	155	150
NICHOLAS COUNTY, W. VA.											
Brown, W. V. & J. C. McClung	No. 1	1460	Sewell	265	245	230	230	205	220	165	160
SUB-DISTRICT No. 5 LOGAN											
CABELL COUNTY, W. VA.											
Rolle Bros. (Gilbert Rolle)	Rolle	2871	Alma	245	225	220	215	195	210	155	150
LINCOLN COUNTY, W. VA.											
Adkins, Delbert	Porter	2862		245	225	220	215	195	210	155	150

Temporary Effective Minimum Prices for District No. 8 for All Truck Shipments—
Continued

(Prices in Cents Per Net Ton for Shipment Into All Market Areas)

Code member index	Mine	Mine Index No.	Seam	Lump over 2"	Lump 2" and under	Lump 1 1/2" and under	Egg 2" and over bot- tom size	Nut 2" and under top size	Straight mine run	2" and under slack	3/4" and under slack	Code member index	Mine	Mine Index No.	Seam	Lump over 2"	Lump 2" and under	Lump 1 1/2" and under	Egg 2" and over bot- tom size	Nut 2" and under top size	Straight mine run	2" and under slack	3/4" and under slack
SUB-DISTRICT NO. 6 SOUTH APPALACHIAN																							
WAYNE COUNTY, KY.																							
Patton, A. M.	A. M. Patton	2790	#2	255	235	215	210	200	205	155	150												
WHITLEY COUNTY, KY.																							
Brown, J. R.	Brown Blue Gem	2847	Blue Gem	235	315	235	260	225	225	145	140												
Siler, John D.	Rains	2807	Blue Gem	335	315	235	260	225	225	145	140												
Walters, J. F.	Walters	2784	Blue Gem	335	315	235	260	225	225	145	140												
ANDERSON COUNTY, TENN.																							
Braden, Edd. T.	No. 1 Mine of Cameron Coal Co.	2002	Coal Creek	255	235	225	230	205	215	145	140												
Lindsay, R. C. & Joe (R. C. Lindsay)	Lindsay	2840	Coal Creek	255	235	225	230	205	215	145	140												
Long, George	George Long	2834	Coal Creek	255	235	225	230	205	215	145	140												
CAMPELL COUNTY, TENN.																							
Alfred & Sons, B. A. (B. A. Alfred)	Alfred & Sons	2806	Jellico	300	280	225	250	215	215	170	165												
Benson, W. S. & Charlie Car- non (Chas. Cannon)	Benson & Cannon	2842	Jellico	300	280	225	250	215	215	170	165												
Comer, Wm.	Wm. Comer	281	Rich Mountain	295	275	210	245	215	215	140	140												
Cusick, Hugh L.	Cusick Mine	1970	Jellico	300	280	225	250	215	215	170	165												
Graham, H. B.	H. B. Graham	2854	Log Mountain	265	245	205	215	205	195	155	130												
FENTRESS COUNTY, TENN.																							
DeRossette, J. O.	DeRossette Mine	2850	Bon Air #2	250	230	205	210	185	195	135	130												
SCOTT COUNTY, TENN.																							
Ellis, Otto	Otto Ellis	2802	Glenmary	255	235	215	210	200	205	155	150												
Lindsay, Dewey	Dewey Lindsay	572	Glenmary	255	235	215	210	200	205	155	150												
OVERTON COUNTY, TENN.																							
Blue Gem Coal Co. (A. C. Owens)	Owens	2481	Bon Air #2	250	230	205	210	185	195	135	130												
SUB-DISTRICT NO. 7 VIRGINIA																							
DICKENSON COUNTY, VA.																							
Kern & Adkins (I. J. Kern)	Kern & Adkins	2336	Clintwood	265	245	220	220	215	210	155	150												
Newberry, J. A.	Newberry	576	Widow Ken- nedy	265	245	220	220	215	210	155	150												
LEE COUNTY, VA.																							
Baker Coal Co. (Roy Baker)	Baker Coal Co.	2946	#3	265	245	215	220	205	205	155	150												
Carter, Roy	Yearly	2187	Penn Lee	265	245	215	220	205	205	155	150												
Finley & Wilson (H. H. Fin- ley)	Finley & Wilson	2847	#3 (Jackrock)	265	245	215	220	205	205	155	150												
Fleener, Milum	Fleener Coal Co.	2803	#5	265	275	225	245	215	215	170	165												
Givens, W. D. & E. D. Tims	Givens & Tims	2179	Imboden (Pin- hook)	265	245	215	220	205	205	155	150												
Hall, Dixon	Hall Mine	2889	#3	265	245	215	220	205	205	155	150												

Temporary Effective Minimum Prices for District No. 8 for All Truck Shipments—
Continued

(Prices in Cents Per Net Ton for Shipment Into All Market Areas)

Code member index	Mine	Mine Index No.	Seam	Lump over 2"	Lump 2" and under	Lump 1 1/2" and under	Egg 2" and over bot- tom size	Nut 2" and under top size	Straight mine run	2" and under slack	3/4" and under slack
SUB-DISTRICT NO. 7 VIRGINIA—Con.											
LEE COUNTY, VA.—Con.											
Haynes, Pearl	Haynes	2835	Penn Lee	265	245	215	220	205	205	155	150
High Top Coal Co.	High Top Coal Co.	2792	#5	295	275	225	245	215	215	170	165
Kirk, R. B.	Kirk Coal Co.	2843	#3	265	245	215	220	205	205	155	150
Lee, J. B.	Lee Coal Co.	2860	Penn Lee	265	245	215	220	205	205	155	150
Leigh & Gilbert	Leigh & Gilbert	2171	#5	295	275	225	245	215	215	170	165
Maures, T. L.	Peacock Fuel	2858	#5	295	275	225	245	215	215	170	165
Turner, Woodrow	Turner Mine	2851	#5	295	275	225	245	215	215	170	165
RUSSELL COUNTY, VA.											
Harman & Harman (W. R. Harman)	Harman & Harman	2870	Tiller	265	245	220	220	215	210	155	150
Malberry, J. H.	Malberry	2867	Tiller	265	245	220	220	215	210	155	150
Miller & Shupe (James F. Miller)	Miller & Shupe	2815	Widow Kennedy	275	255	220	240	225	210	155	150
Phillips & Maxfield (J. R. Phillips)	Phillips & Maxfield	2903	Widow Kennedy	275	255	220	240	225	210	155	150
Smith Coal Company (G. L. Smith)	Old Russell	2812	Widow Kennedy	275	255	220	240	225	210	155	150
Wimblish & Miller (R. G. Wimblish)	Wimblish & Miller	2820	Widow Kennedy	275	255	220	240	225	210	155	150
WISE COUNTY, VA.											
Clinch Valley Coal Co. (G. L. Reed)	Clinch Valley Coal Co.	2325	Lower Banner	265	245	220	220	215	210	155	150
Dannon, W. J.	Dannon	2875	Blair	265	245	220	220	215	210	155	150
F & B Coal Co. (O. W. Franklin, Jr.)	F & B Coal Co.	2859	Widow Kennedy	275	255	220	240	225	210	155	150
Friley, G. M.	Friley Coal Co.	2780	Dorchester	255	235	225	250	215	215	175	170
Jones, P. H.	Jones Coal Co.	2878	Edwards	255	235	225	220	215	215	170	165
R & A Coal Co. (R. L. Robbette)	R & A Coal Co.	2856	#1 (Lineal)	265	245	220	220	215	210	165	160
SUB-DISTRICT NO. 8 WILLIAMSON COUNTY, KY.											
Deskins, Lassic (Mrs.)	Floyd Smith	2882		245	225	225	210	200	215	160	155
Deskins, Troy T.	Orinco	2855	Pond Creek	245	225	225	210	200	215	160	155
Hensley, J. H.	Hensley	2864	Pond Creek	255	235	225	215	205	215	180	175
WAYNE COUNTY, W. VA.											
Boothe Bros. (E. M. Boothe)	Boothe	2841	No. 5 Block	245	225	205	210	185	185	145	140
Collins, Harlan	Collins	2858	Pittsburgh #5	245	225	205	210	185	185	145	140
Fry, F. B.	Fry	2782	No. 5 Block	245	225	205	210	185	185	145	140
Osburn, S. M.	Osburn	2800	No. 5 Block	245	225	205	210	185	185	145	140
SUB-DISTRICT NO. 9 BUCHANAN COUNTY											
(Low volatile and Red Ash Mines in Virginia and Williamson Districts)											

(Prices in Cents Per Net Ton for Shipment Into All Market Areas)

Code member index	Mine	Mine Index No.	Seam	Lump over 2"	Lump 2" and under	Lump 1 1/2" and under	Egg 2" and over bot- tom size	Nut 2" and under top size	Straight mine run	2" and under slack	3/4" and under slack
SUB-DISTRICT NO. 9 BUCHANAN COUNTY—Con.											
RUSSELL COUNTY, VA.											
Perkins & Wells Coal Co. (James Perkins)	Perkins & Wells	2467	Red Ash	305	305	300	250	280	215	155	150
TAKEWELL COUNTY, VA.											
Arrington, W. H.	Arrington Coal	2821	Red Ash	305	305	300	250	280	215	155	150
Salzer & Hess (K. S. Salzer)	Salzer & Hess	2819	Raven Red Ash	305	305	300	250	280	215	155	150
SUB-DISTRICT 1—BIG SANDY—ELKHORN											
FLOYD COUNTY, KY.											
Central Elkhorn Coal Co.	No. 3	690	Elkhorn #3	265	275	235	250	215	225	185	180
Wolford, Ernest (The Superior Cannel Company)	The Superior	2827	Elkhorn (Can- nel)	265	245	210	220	205	200	150	145
JOHNSON COUNTY, KY.											
Columbia Coal & Mining Co., Inc.	Elk Mountain	586	Millers Creek	305	285	235	240	215	225	170	165
FREE COUNTY, KY.											
Shelby Coal Company, Inc.	Big Sandy	2545	Elkhorn #1	275	255	235	240	215	225	170	165
SUB-DISTRICT 3—HAZARD KNOTT COUNTY, KY.											
Blue Bird Mining Company	Blue Bird	4	Hazard #7	255	235	220	210	195	210	150	145
SUB-DISTRICT 4—KANAWHA BOONE COUNTY, W. VA.											
Rock Creek Mining Company	Rock Creek	2775	Cedar Grove	255	235	220	205	195	210	150	145
Red Parrot Coal Company, The	No. 2	593	Red Parrot	255	235	220	205	195	210	150	145
KANAWHA COUNTY, W. VA.											
Dorothy Glenn Coal Mining Co.	Dorothy Glenn	595	Lewiston	280	260	220	230	205	210	145	140
Kelley's Creek Colliery Com- pany	No. 2-B	594	Winfrede	255	235	210	200	200	200	145	140
Kelley's Creek Colliery Com- pany	Sugar Camp #1	595	Cedar Grove	255	235	225	215	200	215	170	165
Kanawha & Hoeking Coal & Coke Company	No. 108	591	No. 5 Block	245	225	210	195	180	200	145	140
MASON COUNTY, W. VA.											
W. Va. Coal & Trans. Co.	Jeanne Anne	1448	Pittsburgh #8	245	225	205	195	180	195	125	120
WYOMING COUNTY, W. VA.											
Wyoming Mining Corporation	Lynco	598	Campbells Creek	255	235	235	230	215	225	195	190

Temporary Effective Minimum Prices for District No. 8 for All Truck Shipments—
Continued

(Prices in Cents Per Net Ton for Shipment Into All Market Areas)

Code member index	Mine	Mine index No.	Seam	Lump over 2'	Lump 2' and under	Lump 3 1/2" and under	Egg 2' and over bot- tom size	Nut 2' and under top size	Straight mine run	2' and under slack	3 1/2" and under slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT 5—LOGAN LOGAN COUNTY, W. VA.											
Snap Creek Coal Co.	Snap Creek	582	Alma	245	225	215	215	200	205	160	155
SUB-DISTRICT 6—SOUTHERN APPALACHIAN ANDERSON COUNTY, TENN.											
Bessemer Coal, Iron & Land Company.	Windrock	589	Pee Wee	285	265				215		
BELL COUNTY, KY.											
Slusher, Isaac (Kentucky Bell Coal Co.).	Luce	573	Mason			215			205		
New Hope Mining Company (B. F. Allen).	Creech	572	Mason	255	235	215	220	205	205	160	155
Southern Mining Co.	Amru	18	Mason	255	235		220	205		160	155
SCOTT COUNTY, TENN.											
Brimstone Coal Company	Brimstone	67	Glenmary				210	200		155	150
Kilne, C. L.	Kilne	2112	No. 3 (Glen- mary).	255	235	215	210	200	205	155	150
SUB-DISTRICT 8—WILLIAMSON MINGO COUNTY, W. VA.											
Merrimac Winifrede Coal Co.	Merrimac Winifrede.	592	Winifrede	290	270	220	235	205	210	165	160
SUB-DISTRICT 2—HARLAN HARLAN COUNTY, KY.											
Green-Silvers Coal Corporation.	Malcomson	597	No. 6	265	245	215	230	210	205	150	145

[F. R. Doc. 40-4366; Filed, October 15, 1940; 4:01 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF EXTENSION OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL, GLOVE, TEXTILE AND KNITTED WEAR INDUSTRIES ISSUED UNDER REGULATIONS—PART 522

Whereas, special certificates authorizing the employment of learners in the apparel, glove, textile and knitted wear industries at hourly wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938 have been issued to employers under orders which provide that such special certificates shall be valid until October 24, 1940, unless cancelled or modified for cause by the Administrator or his authorized representative, and

Whereas, in order to give employers adequate opportunity to reapply for new

certificates in these industries, it is necessary in order to prevent curtailment of opportunities for employment that the said special certificates be continued in full force and effect after the date of expiration thereof.

Now, therefore, it is ordered that said special certificates for the employment of learners in the apparel, glove, textile and knitted wear industries at wage rates less than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938 be continued in full force and effect until the date of December 24, 1940 and shall be valid until that date unless cancelled or modified for cause by the Administrator or his authorized representative.

Signed at Washington, D. C., this 15th day of October, 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-4370; Filed, October 16, 1940; 10:16 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

AMATEUR RADIO STATION AND OPERATOR LICENSES

[Order No. 76]

The Commission having under consideration its Rules Governing Amateur Radio Stations and Operators, with particular reference to the provisions concerning renewals, and its Order No. 75:

It is ordered, That all amateur radio station and amateur radio operator licenses which by their terms have expired or will expire during the period July 1, 1940 to March 1, 1941, and for which applications for renewal have not been granted or denied prior to the effective date hereof, be, and they are hereby, extended, in respect to each such license until such further action as the Commission may take upon application for renewal or otherwise, but in no event beyond April 1, 1941;

Provided, however, That this extension is granted only to such amateur licensees as have submitted or do submit a proper application for renewal in accordance with the Rules and Regulations of the Commission and have complied or do comply with the requirements of Commission Order No. 75.

Provided further, That this extension shall not apply to licensees whose licenses have been or, prior to March 1, 1941, may be revoked, suspended or designated for hearing.

This Order shall take effect on the 15th day of October, 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-4376; Filed, October 16, 1940; 11:51 a. m.]

[Docket No. 5918]

IN RE APPLICATION OF H. J. WILSON (TRANSFEROR) AND R. G. LETOURNEAU (TRANSFeree)

Dated May 14, 1940; for transfer of control of Granite State Broadcasting Corporation, licensee of station WHEB; class of service, broadcast; class of station, broadcast; location, Portsmouth, New Hampshire; present operating assignment; Frequency, 740 kilocycles; power, 250 watts day; hours of operation, daytime.

[File No. B1-TC-233]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

15 F.R. 2394.

1. To determine the qualifications of R. G. LeTourneau to acquire and exercise control of Granite State Broadcasting Corporation, licensee of broadcast station WHEB.

2. To determine the nature of the program service proposed to be furnished by station WHEB under the control of the transferee, R. G. LeTourneau, and the sufficiency of the licensee's corporate powers to perform such service.

3. To determine the extent to which transferee, R. G. LeTourneau, will participate in the management and conduct of the affairs of station WHEB if the application is granted.

4. To determine the nature and qualifications of the personnel which would be entrusted with the operations of station WHEB under the proposed control of R. G. LeTourneau.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicants on the basis of a record duly and properly made by means of a formal hearing.

The applicants are hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicants who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicants' addresses are as follows:

H. J. Wilson (Transferor),
P. O. Box 1,
Portsmouth, New Hampshire.

R. G. LeTourneau (Transferee),
% Le Tourneau Company of Georgia,
Toccoa, Georgia.

Dated at Washington, D. C., October 15, 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-4374; Filed, October 16, 1940;
11:51 a. m.]

[Docket No. 5920]

IN RE APPLICATION OF WILLIAM H. AMESBURY (NEW)

Dated, February 5, 1940; for construction permit; class of service, broadcast; class of station, broadcast; location, Minneapolis, Minnesota; operating assignment specified: Frequency, 630 kc.; power, 1 kw. night; 1 kw. day; hours of operation, unlimited. (Directional antenna night and day.)

[File No. B4-P-2746]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above de-

scribed application and has designated the matter for hearing for the following reasons:

1. To determine the qualifications of the applicant to construct and operate the proposed station.

2. To determine the nature and character of the service which the proposed station may reasonably be expected to render.

3. To determine the nature, extent, and effect of any interference which may be caused to Station WOI or any other station or stations by the operation of the proposed station.

4. To determine the area and population which would be served by the proposed station.

5. To determine the area and population which would be served by the proposed station in the event that the pending application, B5-P-2663, of Station KVOB, Denver, Colorado, is granted.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

William H. Amesbury,
2037 University Ave. SE.,
Minneapolis, Minnesota.

Dated at Washington, D. C., October 15, 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-4375; Filed, October 16, 1940;
11:51 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. F.D.C. 22]

IN THE MATTER OF AMENDMENT OF DEFINITION AND STANDARD OF IDENTITY FOR TOMATO CATSUP SO AS TO PERMIT THE USE THEREIN OF SODIUM BENZOATE AS AN OPTIONAL INGREDIENT

PROPOSED ORDER

Upon the basis of the evidence of record at the hearing in the above-entitled matter, duly held pursuant to notice thereof,¹ it is proposed that the following

facts be found and that the following order be made:

Proposed Findings of Fact

1. That tomato catsup is a concentrated product, and that concentration is an essential characteristic of tomato catsup. R. pp. 57-58; Definition and Standard, 4 F.R. 3454.)

2. That the extent to which tomato catsup is concentrated bears upon the keeping qualities which the catsup has after being opened and while being held for use. (R. pp. 53, 55-56, 58, 61, 77.)

3. That tomato catsup of a low degree of concentration is more susceptible to spoilage than tomato catsup of a high degree of concentration. (R. pp. 33, 41-42, 47-49, 52.)

4. That, after being opened for use, tomato catsup made to a proper degree of concentration keeps, under normal conditions of use, for a period of six to eight weeks, or more, and longer than the period within which the catsup is ordinarily consumed. (R. pp. 35, 52, 58-59, 62.)

5. That, when tomato catsup of proper concentration, which has been properly processed and packaged, spoils after being opened and within the time ordinarily required for its consumption, such spoilage is due to careless handling and contamination with organisms the development of which cause spoilage. (R. pp. 32-43, 73-77.)

6. That benzoate of soda is not used in tomato catsup for the purpose of preventing spoilage before the catsup is opened for use. (R. pp. 13, 32, 36, 51, 74-76.)

7. That, when used in tomato catsup, benzoate of soda is used for the purpose of giving to tomato catsup of low concentration the keeping qualities naturally possessed by catsup of a higher degree of concentration, and of imparting to the catsup a preservative against the effects of careless handling and contamination after being opened and while being held for use. (R. pp. 6-7, 13, 21, 32-43, 46, 51-52, 76.)

Proposed Order

It appearing from the foregoing findings of fact that an amendment of the definition and standard of identity for tomato catsup² so as to permit the use therein of sodium benzoate as an optional ingredient will not promote honesty and fair dealing in the interest of consumers, it is

Ordered, That no amendment of the definition and standard of identity for tomato catsup² be made as a result of this hearing.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of the publication of this proposed order in the FEDERAL

¹ 5 F.R. 2809.

² 4 F.R. 3454.

REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2240, South Building, 14th Street and Independence Avenue, Washington, D. C., exceptions to this proposed order. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain a specific reference to the page of the transcript of the testimony or to the exhibit on which such exception is based. Such exceptions may be accompanied with a memorandum brief in support thereof.

WAYNE COY,

Acting Federal Security Administrator.

OCTOBER 15, 1940.

[F. R. Doc. 40-4368; Filed, October 16, 1940; 9:24 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-2814]

IN THE MATTER OF CITY OF CORDOBA 7% EXTERNAL SINKING FUND GOLD BONDS OF 1927, DUE AUGUST 1, 1957 (STAMPED ASSENTED TO READJUSTMENT PLAN DATED JULY 3, 1934)

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of October, A. D. 1940.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 7% Ex-

ternal Sinking Fund Gold Bonds of 1927, due August 1, 1957 (Stamped assented to Readjustment Plan dated July 3, 1934), of City of Cordoba; and

After appropriate notice, a hearing¹ having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on November 4, 1940.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,

Secretary.

[F. R. Doc. 40-4372; Filed, October 16, 1940; 11:24 a. m.]

¹ 5 F.R. 2895.